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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,942	11/18/2003	Norman Castellani	12504US04	4458

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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/715,942

Applicant(s)

CASTELLANI ET AL.

Examiner

DHIRU R PATEL

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 4 -7, 9-11, 13-14, 16-18, 20-22, 24-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bonilla et al (6,114,623).

Bonilla et al disclose:

Regarding claim 1, a poke-through fitting 10 (see fig 1, column 2 lines 59-65) of the type that is adapted to be supported in a circular opening in a floor of a building structure (see column 1 lines 10-20), the fitting comprising: an insert sized 34 (see figs 1 and 6, column 1 lines 58-65, column 3 lines 65-67) for insertion into the circular floor opening (see column 1 lines 4-10 and entire abstract); and four separately formed simplex power receptacles 18 supported by the insert (see fig 1, column 3 line 1, column 4 lines 1-13) .

Regarding claim 2, wherein the simplex receptacles are configured to snap fit into a portion of the insert (see fig 1).

Regarding claim 4, wherein at least two of the simplex power receptacles are wired in separate electrical circuits (see fig1, column 2 lines 1-7). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

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Regarding claim 5, further comprising a cover 30 assembly overlying the insert (see fig 4), the cover assembly including access covers 216 (see fig 1) for selectively covering and exposing the simplex power receptacles (see fig 1, column 6 lines 34-46).

Regarding claim 6, a poke-through fitting 10 (see fig 1, column 2 lines 59-65) of the type that is adapted to be supported in a circular opening in a floor of a building structure (see column 1 lines 10-20), the fitting comprising: an insert sized 34 (see figs 1 and 6, column 1 lines 58--65, column 3 lines 65-67) for insertion into the circular floor opening (see column 1 lines 4-10 and entire abstract); four separately formed simplex power receptacles 18 supported within the insert (see fig 1, column 3 line 1, column 4 lines 1-13) ; and four communication/data jacks 20 supported within the insert (see fig 1, column 2 lines 65-67).

Regarding claim 7, wherein the simplex receptacles are configured to snap fit into a portion of the insert (see fig 1).

Regarding claim 9, wherein at least two of the simplex power receptacles are wired in separate electrical circuits (see fig 1, column 2 lines 1-7). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

Regarding claim 10, further comprising a cover 30 assembly overlying the insert (see fig 4), the cover assembly including access covers 216 (see fig 1) for selectively covering and exposing the simplex power receptacles (see fig 1, column 6 lines 34-46).

Regarding claim 11, a flush poke-through wiring fitting 10 (see fig 1, column 2 lines 59-65) that is adapted to be supported in a floor opening in a floor of a building structure (see column

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1 lines 10-20), the poke-through fitting comprising: an insert 34 (see figs 1 and 6, column 1 lines 58-65, column 3 lines 65-67) configured for insertion into the floor opening (see column 1 lines 4-10 and entire abstract), the insert having an upper end adjacent to the floor and having a chamber defined therein which extends downwardly from the upper end (see figs 1 and 6); a cover 30 overlying the insert (see fig 4), the cover having an upper surface (see fig 1, column 3 lines 5-15); four communication/data jacks 20 mounted within the fitting such that the communication/data jacks do not extend upwardly beyond the upper surface of the cover (see fig 1); and four separately formed simplex power receptacles 18 mounted within the fitting such that the power receptacles do not extend upwardly beyond the upper surface of the cover (see fig 1).

Regarding claim 13, wherein at least two of the simplex power receptacles are wired in separate electrical circuits (see fig 1, see column 2 lines 1-7). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

Regarding claim 14, a flush poke-through wiring fitting 10 (see fig 1, column 2 lines 59-65) of the type that is adapted to be supported in a floor opening in a floor of a building structure (see fig1, column 1 lines 10-20), the poke-through fitting comprising: an insert 34 (see figs 1 and 6, column 2 lines 65-67) configured for insertion into the floor opening (see column 1 lines 4-10 and entire abstract); a cover 30 overlying the insert (see fig 4), the cover having an upper surface; and four simplex power receptacles 18 mounted within the fitting in a protected fashion such that the power receptacles do not extend upwardly beyond the upper surface of the cover (see fig 1).

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Regarding claim 16, a poke-through wiring fitting 10 (see fig 1, column 2 lines 59-65) of the type that is adapted to be supported in a circular floor opening in a floor of a building structure (see column 1 lines 10-20), the poke-through fitting comprising: four communication/data jacks 20 mounted within the fitting, the communication/data jacks being arranged in a longitudinal row (see fig 1); a first pair of simplex electrical receptacles disposed on a first lateral side of the communication/data jack; and a second pair of simplex receptacles disposed on a second lateral side of the communication data jacks (see fig 1).

Regarding claim 17, wherein the first pair of simplex power receptacles are wired in a separate electrical circuit from the second pair of simplex receptacles (see column 2 lines 1-7). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

Assembly of the device of Bonilla et al comprises method step of:

Regarding claim 18, a method of delivering flush poke-through wiring fitting 10 (see fig 1, column 2 lines 59-65) that is adapted to be supported in a floor opening in a floor of a building structure (see fig 1, column 1 lines 10-20), the method comprising: providing a cover 30 that overlies the fitting and has an upper surface (see fig 1); mounting four communication/data jacks 20 within the fitting such that the communication/data jacks do not extend upwardly beyond the upper surface of the cover (see fig 1); mounting four separately formed simplex power receptacles 18 within the fitting such that the simplex power receptacles do not extend upwardly beyond the upper surface of the cover (see fig 1).

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Regarding claim 20, further comprising wiring at least two of the simplex power receptacles in separate electrical circuits (see column 2 lines 1-7). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

Regarding claim 21, a method for providing a poke-through fitting 10 (see fig 1, column 2 lines 59-65) of the type that is adapted to be supported in a circular opening in a floor of a building structure (see fig 1, see column 1 lines 10-20), the method comprising: providing an insert sized 34 (see figs 1 and 6, column 1 lines 58-65, column 3 lines 65-67) for insertion into the circular floor opening; and mounting four separately formed simplex power receptacles 18 within said insert (see figs 1 and 6) .

Regarding claim 22, wherein the simplex receptacles are configured to snap fit into a portion of the insert (see fig 1).

Regarding claim 24, further comprising wiring at least two of the simplex receptacles in separate electrical circuits (see column 2 lines 1-7). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

Regarding claim 25, further comprising disposing a cover 30 (see fig 1) assembly over the insert, the cover assembly including access covers 216 for selectively covering and exposing the simplex power receptacles (see fig 1, column 6 lines 34-46).

Regarding claim 26, a method for providing a poke-through fitting 10 (see fig 1, column 2 lines 59-65) of the type that is adapted to be supported in a circular opening in a floor of a building structure (see fig 1, column 1 lines 10-20), the method comprising: providing an insert sized 34 for insertion into the circular floor opening (see figs 1 and 6, column 1 lines 58-65, column 3 lines 65-67); mounting four separately formed simplex power

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receptacles 18 within the insert; and mounting four communication/data jacks 20 within the insert (see fig 1).

Regarding claim 27, a method for providing a poke-through wiring fitting 10 (see fig 1, column 2 lines 59-65) of the type that is adapted to be supported in a circular floor opening in a floor of a building structure (see fig 1, column 1 lines 10-20), the method comprising: mounting four communication/data jacks 20 within the fitting (see fig 1), the communication/data jacks being arranged in a longitudinal row; mounting a first pair of simplex power receptacles 18 on a first lateral side of the communication/data jack; mounting a second pair of simplex receptacles 18 on a second lateral side of the communication data jacks (see fig 1).

Regarding claim 28, further comprising wiring the first pair of simplex power receptacles 18 are in a separate electrical circuit from the second pair of simplex receptacles (see column 2 lines 1-7). It is noted that the modified assembly of Bonilla et al meet the structural limitations.



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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 3, 8, 12, 15, 19, 23 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bonilla et al (6,114,623).

Bonilla et al disclose :

Regarding claims 3, 8, 12, 15, 19, 23, the assembly of Bonilla et al disclose all the features of the claimed invention as shown above, but fails to disclose a fire stopping material disposed in the insert, please note that Bonilla et al disclosed that fire-rated poke through fittings are generally known in the art (see column 3 lines 13-15).

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it would have been an obvious matter of design choice to use a fire stopping material disposed in the insert , since applicant has not disclosed that a fire stopping material disposed in the insert solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said insert of Bonilla et al. With respect to claims 12, 15 and 19, the floor opening formed in the floor and with the poke-through wiring fitting supported in the floor opening, is substantially the same as the fire rating of the floor without the floor opening formed in the floor (see fig 1).

**Contact information**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (571) 272 -1983. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. The fax number for this Group is 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272- 2800 ext 31.

Dhiru Patel  
Primary Examiner  
Group Art Unit 2831  
March 8, 2004

*Dhiru Patel*  
*Primary Examiner*  
*3/8/04.*